

DETAILED ACTION

Final Rejection (10/23/08)

Claim Rejections - 35 USC § 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 5-6, 16, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sugimoto (6,554,346).

Regarding Claims 5-6, 16, as best understood, Sugimoto (6,554,346) discloses the invention as claimed to include the wing door opening/closing apparatus is formed by combining a plurality of wing door opening/closing devices having respective different moment characteristics representing a relation between the angle of rotation of the wing door and a moment generated by the wing door opening/closing devices Fig 1-8; at least one of said wing door opening/closing devices including a spring 16 for generating a biasing force for swinging up said wing door and a link mechanism for transmitting the biasing force of said spring to said wing door Fig 1-8; a stopper 18 for halting the operation of at least one of said plural wing door opening/closing devices.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 9, 15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (6,554,346) as applied to claim 5 and further in view of ordinary skill in the art.

Regarding Claims 9, 15, as best understood, Sugimoto (6,554,346) discloses the invention as claimed.

However, Sugimoto (6,554,346) does not disclose plural wing door opening/closing devices with different operating ranges are arranged side-by-side along a vertical direction.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate plural wing door opening/closing devices with different operating ranges are arranged side-by-side along a vertical direction to achieve the desire level of moment to open and close the wing door.

Response to Arguments

1. Applicant's arguments filed 9/23/08 have been fully considered but they are not persuasive.

In response to applicant's argument "Sugimoto simply does not disclose where two or more apparatus, having different moment characteristics, are combined and used to open and close wing doors" is not valid because Sugimoto (6,554,346) Col 2, lines 5-27 "While the present invention is susceptible of embodiment in various forms, there is shown in the drawings and will hereinafter be described a presently preferred embodiment with the understanding that the present disclosure is to be considered an exemplification of the invention and is not intended to limit the invention to the specific embodiment illustrated"; "In the present disclosure, the words "a" or "an" are to be taken to include both the singular and the plural. Conversely, any reference to plural items shall, where appropriate, include the singular" and Col 3, lines 33-37 "Since the wing door opening and closing apparatus has a high design freedom degree concerning the selection of springs, it may be applied to various wings having various weights and sizes".

Conclusion

2. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

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<#>Applicant's arguments with respect to elected claim have been considered but are moot in view of the new ground(s) of rejection. ¶

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Deleted: In response to applicant's argument that the references fail to show, teach or suggest certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing structure for closing an opening through a truck cab after removal of the rear window and supporting frame thereof;) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).¶

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Deleted: that the references fail to teach or suggest, "a pair of hood hinges"

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In response to applicant's argument that the "references does not disclose a support frame, a micro-fiber filter medium unit with outside air filter, a viscous impingement filter, odor remc ... [1]

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<#>Applicant's amendment necessitated the new ground(s) of rejection presented in this ¶ ... [2]

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F 8:00 to 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Kiran B. Patel/

Kiran B. Patel P.E.
Primary Examiner
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